

Application Serial No. 09/838,821  
Response dated January 10, 2006  
Reply to Final Office Action of August 10, 2005

### **REMARKS**

The office action of August 10, 2005 has been carefully considered. Favorable reconsideration of this application is requested in view of the above amendments and following remarks.

Claims 1-3, 6-9, 14 and 15 are pending.

Claims 1-9, and 14-15 have been cancelled.

New Claims 16-25 have been added.

Support for the new claims can be found in the application as filed reference, for example, page 9, lines 3-26, and working Example 2, pages 19-29. No new matter has been added.

The numbered paragraphs below correspond to those of the official action.

### **Specification Objection**

4. The specification was objected-to for continuity informalities. Applicant has amended the specification as indicated above to include the suggested updated continuity recitation.

### **Withdrawn Claim Objections and Rejections**

6.- 8. Applicant acknowledges the examiner's enumerated withdrawals for the reasons indicated.

### **Claim Rejections - 35 U.S.C. § 102**

9. Claims 1, 8 and 14 were again rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Ihle et al. (WO 95/03701, "*Ihle*"). Applicant respectfully traverses the rejection.

New Claim 16 is drawn to a method for inhibiting activation of c-jun in a mammalian or an avian cell, the c-jun activation being associated with DNA damage, the method comprising contacting the cell with an inhibitor of JAK-3 to inhibit the c-jun activation.

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New Claim 22 is drawn to a therapeutic method for treating or preventing a pathological condition in a mammal wherein c-jun activation is implicated and inhibition of c-jun activation is desired, comprising administering to the mammal in need of such therapy an effective amount of a JAK-3 inhibitor.

*Ihle* fails to disclose such methods. *Ihle* also fails to disclose or suggest a role for JAK-3 in the activation of c-jun, or that an inhibitor of JAK-3 would be useful to inhibit the activation of the c-jun protooncogene.

For at least this reason, Applicant asserts the *Ihle* fails to anticipate the independent claims 16 or 22, or their dependents, and respectfully requests withdrawal of this rejection in view of the new claims.

#### Claim Rejections - 35 U.S.C. § 103

10. Claims 1, 2-3, 8 and 14 were again rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Ihle* in view of *Narla* 1988 and *Chae* 1993. Applicant respectfully traverses the rejection.

The above remarks relating to *Ihle* are incorporated herein. The secondary references do not cure the deficiencies of the primary *Ihle* reference. *Narla* 1988 is cited for disclosing an inhibitor of EGF-R tyrosine kinase. *Narla* does not disclose a JAK-3 inhibitor. *Chae* 1993 is cited for disclosing that protein kinase activation precedes radiation induced activation of c-jun expression. *Chae* does not disclose c-jun inhibition nor JAK-3 inhibition.

The cited combination fails to teach or suggest the claimed methods, inhibition of the specific protooncogene, c-jun, by inhibiting with a JAK-3 inhibitor. No suggestion of this combination is found in the cited art.

For at least the reasons discussed above, Applicant asserts the claims are not obvious in view of the cited art, and respectfully requests withdrawal of this rejection in view of the new claims.

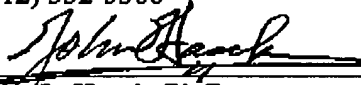
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In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: Jan 10, 2006

  
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